

that's why the House Republicans will continue to fight it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 2013.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 31, 2013 at 9:45 a.m.:

That the Senate passed without amendment H.R. 2167.

That the Senate passed without amendment H.R. 2611.

That the Senate agreed to without amendment H. Con. Res. 44.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CITIZEN EMPOWERMENT ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizen Empowerment Act".

SEC. 2. AMENDMENTS.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 79, the following:

"CHAPTER 79A—SERVICES TO MEMBERS OF THE PUBLIC

"Sec.

"7921. Procedure for in-person and telephonic interactions conducted by Executive Branch employees.

"§7921. Procedure for in-person and telephonic interactions conducted by Executive Branch employees

"(a) PURPOSE.—The purpose of this section is to ensure that individuals have the right to

record in-person and telephonic interactions with Executive agency employees and to ensure that individuals who are the target of enforcement actions conducted by Executive agency employees are notified of such right.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'telephonic' means by telephone or other similar electronic device; and

"(2) the term 'employee' means an employee of an Executive agency.

"(c) CONSENT OF EXECUTIVE AGENCY EMPLOYEES.—Participation by an employee, acting in an official capacity, in an in-person or telephonic interaction shall constitute consent by the employee to a recording of that interaction by any participant in the interaction.

"(d) NOTICE OF RIGHTS WHEN FEDERAL EMPLOYEES ENGAGED IN CERTAIN ACTIONS.—A notice of an individual's right to record conversations with employees shall be included in any written material provided by an Executive agency to the individual concerning an audit, investigation, inspection, or enforcement action that could result in the imposition of a fine, forfeiture of property, civil monetary penalty, or criminal penalty against, or the collection of an unpaid tax, fine, or penalty from, such individual or a business owned or operated by such individual.

"(e) OFFICIAL REPRESENTATIVE.—Any person who is permitted to represent before an Executive agency an individual under this section shall receive the same notice as required under subsection (d) with respect to such individual.

"(f) NO CAUSE OF ACTION.—This section does not create any express or implied private right of action.

"(g) DISCIPLINARY ACTION.—An employee who violates this section shall be subject to appropriate disciplinary action in accordance with otherwise applicable provisions of law.

"(h) PUBLIC INFORMATION CONCERNING RIGHT TO RECORD.—

"(1) POSTING ON AGENCY WEB SITES.—Within 180 days after the date of the enactment of this Act, each Executive agency shall post prominently on its Web site information explaining the right of individuals to record interactions with employees.

"(2) OMB GUIDANCE.—Within 90 days after the date of the enactment of this Act, the Office of Management and Budget shall issue guidance to Executive agencies concerning implementation of paragraph (1)."

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 79 the following:

"79A. Services to members of the public 7921".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have the author of this legislation before us, a principled Member of Congress who saw a problem

and sought to fix it, and we brought it before you today. We brought it before you today because we hear, and hear rightfully, horror stories of harassment that includes Federal officials at the IRS, the EPA, the SEC, the FEC, and a list of other ABCs.

The truth is that in 39 out of 50 States, every Member on a phone, every American has a right to record that conversation without asking permission of that Federal officer on the other end. But in 11 States, States that most people don't know which is which, that is muddled. When a conversation occurs between two States, it is muddled.

The gentlewoman from Kansas (Ms. JENKINS), as the author of this bill, sought, in principle, to fix that, and I'd like to yield 2 minutes to her to explain her bill.

Ms. JENKINS. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his leadership on this very important issue.

Whether I'm talking to Kansans back home or listening to witnesses at Ways and Means hearings, I've heard story after story of Federal regulators abusing their power.

What is worse, many people are afraid to share their stories of harassment or other inappropriate behavior by government officials out of fear of retaliation. The Citizen Empowerment Act will give them certified proof and help to alleviate this fear.

This bill will give Americans a new tool to protect themselves and their businesses from government overreach and abuse by expanding the rights of all citizens to allow them to record meetings and telephone conversations with Federal regulators and officials. The Citizen Empowerment Act will also ensure individuals are made aware of this right by requiring government agencies to notify them of this right.

Not only do Federal agencies get to write rules, they get to enforce them, too. In fact, a citizen is 10 times more likely to be tried by a Federal agency than by an actual court, and citizens have fewer rights during agency proceedings than in a courtroom.

The Citizen Empowerment Act will give Americans a tool to even the playing field with Federal regulators by increasing transparency and accountability within the system.

Americans deserve a government who puts its citizens first, and this is exactly what this bill does. We spend far too much time in this body debating bills to empower the government. This bill empowers Americans.

Enacting the Citizen Empowerment Act and the other nine Stop Government Abuse bills will be a positive step toward getting Big Government out of the way of our economy and rebuilding trust that has been broken by rampant abuse of Federal power.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 2711. This legislation